HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No.2072 OF 2007

Between:

Kayyuru Grampanchayat,
Rep., by its Sarpanch: G. Ramanaiah,
S/o. Subbulaiah, Age 35 years,
Sarpanch Balayapalli Mandal,
Nellore District

...Petitioner

AND

The District Collector, Nellore District,
Nellore and four others

...Respondents

: O R D E R :

Counsel for the petitioner : Shri A. Chandraiah

Naidu

6th February, 2007

Per G.S.SINGHVI, CJ

In this petition, the petitioner has made the following substantive prayer:

> "I pray that the Hon'ble Court may be pleased to issued a writ, order or orders or direction more particularly in the nature of a writ of Mandamus declaring the inaction of the respondents 1 to 4 in restraining the 5th respondent from establishing a brick-Kiln in the Petition Schedule land as illegal, arbitrary, malafide and contrary to Article 21 of the Constitution of India and violation of principles of natural justice and consequentially direct the respondents to take appropriate action against the 5th respondent preventing him from establishing any Brick-kiln in the petition schedule land or in any other land adjacent to Subramanyam village and without obtaining any permission from the 2nd respondent and Gram Panchayat of Kayyur in the interest of justice and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case. Other wise the villagers will be put to much hardship and irreparable loss."

We have heard Shri A. Chandraiah Naidu, learned counsel for the petitioner and perused the record. In our opinion, relief in terms of the prayer made by the petitioner cannot be granted, because no tangible material has been placed on the record of the writ petition to prima facie show that respondent No. 5 has established or is establishing brick kiln in the village, which is likely to cause pollution.

In our considered view, when a person seeks intervention of the Court by filing petition in public interest, he owes a duty to the Court and is under obligation to produce evidence to prima facie

substantiate violation of the right of group of individuals to whom he represents or interest of the society. The failure of the petitioner to produce any evidence disentitles him relief under Article 226 of the Constitution of India.

With the above observation, the writ petition is dismissed. However, liberty is given to the petitioner to file fresh petition with better particulars and evidence to show that respondent No. 5 has established or taken tangible steps for establishing brick kiln in the village.

As a sequel to dismissal of the writ petition, WPMP No. 2654 of 2007 filed by the petitioner for interim relief is disposed of as infructuous.

G.S. SINGHVI, C.J.

C.V. NAGARJUNA REDDY, J.

6th February, 2007
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